IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO. 33 OF 2007.

Re : Natwar D. Joshi . . . . . Debtor.

Ex-parte :-
Kishindas R. Nagpal . . . . . Petitioning Creditor.

Ms. K. S. Lalwani, Advocate for Judgement Creditor.

Debtor absent though served.

CORAM : A.M.KHANWILKAR J.
NOVEMBER 27, 2007.

P. C.

1. The present Petition is founded on the Ex-parte decree passed by the Court against debtor on 14th March 1995 in B.C.C.C.Summary Suit No.5667 of 1994. As the debtor failed to pay the amount, Insolvency Notice No.N-248 of 2006 dated 22nd November 2006 was issued, which was duly served on the debtor No.1 on 29th November 2006 and on Debtor No.2 on 11th December 2006. Inspite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on 16th January 2007.

2. As the debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 7th April 2007. The debtor has been duly served personally on dated 23rd August 2007. Inspite of such service, none appears for the debtor. No reply has been filed. Inspite of such service, none appears for the debtor. As no explanation has been offered on behalf of the debtor, Petition ought to succeed in terms of prayer clauses (a) and (c).

(a) that this Honourable Court may be pleased to pass an order of ajudication against the Debtor abovenamed.

(c) And the costs for order of adjudication be provided for.

. Ordered accordingly.

A. M. KHANWILKAR, J.